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Kang Soo Seo

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30593

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HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 8910

RESTON, VA 20195

EXAMINER

CHOI, MICHAEL P

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/653,235	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> Michael Choi	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6,9,12,15-20,22,23,25,28-30,32,35-37,39,42-44,46 and 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,9,12,15-20,22,23,25,28-30,32,35-37,39,42-44,46 and 49 is/are rejected.
- 7) ☒ Claim(s) 1,6,9,12,15-20,22,23,25,28-30,32,35-37,39,42-44,46 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Specification***

1. Claims 1, 6, 9, 12, 15-20, 22, 23, 25, 28-30, 32, 35-37, 39, 42-44, 46 and 49 are objected to because of the following informalities: (see below). Appropriate correction is required.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "the slideshow" in claim 1 and 15-18 and "the audio data" in claim 20 lacks antecedent basis.
3. Claims 6, 9, 12, 19, 20, 22, 23, 25, 28-30, 32, 35-37, 39, 42-44, 46 and 49 inherit the deficiencies of respective independent claims and are thus rejected hereupon.
4. Furthermore, the amendment filed 9/3/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Nowhere in the specification does applicant disclose "presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period".

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6, 9, 12, 15-19, 22, 25, 28, 29, 32, 35, 36, 39, 42, 43, 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. (US 6,385,389 B1) in view of .

**Regarding Claim 1**, Maruyama et al. teaches a computer readable medium having a data structure for managing reproduction of at least still images recorded on the computer readable medium, comprising:

- a data area storing at least one still image in a first stream file and audio data in a second stream file (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video packs of initial VOBUs and audio packs of second VOBUs; Col. 9, lines 48-53); and
- a playlist area storing at least one playlist file (in at least Fig. 16, video title set information having program chain information table; Col. 20, lines 20-44), the playlist file linking the first and second stream files (in at least Figs. 3, 8, 25 wherein the control information stores a program chain (PGC) linking first and second files of respective VOBUs – Fig. 27) and including at least a playitem and a sub-playitem (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOBUs and audio pack of second VOBUs; Col. 9, lines 48-53), wherein the playitem providing presentation information regarding the still image in the first stream file, and the sub-playitem providing presentation information regarding audio data in the second stream file (Fig. 13 – initial VOBUs containing a first file navigation pack of first VOBUs and second VOBUs containing a second file navigation pack corresponding to respective VOBUs; Col. 15, lines 31+, further clarifying that in order for video and to be reproduced,

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it must playback audio since it is known that video consists of a multitude of associated audio packets played back at certain speeds),,

- wherein the playitem includes an indicator indicating whether to display the still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38)
- but fails to explicitly teach progress of the slideshow from one still image to another still image is controlled by user input and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period.

Ando et al. teaches progress of the slideshow from one still image to another still image is controlled by user input (Figs. 6A, 6B – user input for slideshow) and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period (Figs. 6A, 6B – user input for slideshow; Figs. 15 and 16 – S5 to S11, independent playback; Paragraph [0147] – pause of audio leaves image for infinite period until user decides to resume playback).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time indicator to allow user to see progress of data while accessing various track positions to skip or go back, further allowing just a picture to be shown or audio to be reproduced when user does not desire both for concentrated playback.

**Regarding Claim 6**, Maruyama et al. teaches the computer readable medium of claim 4, wherein the playitem field (Fig. 13 – VOB#n) having a cell (Fig. 27) provides NV\_PCK#n; see

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also Fig. 12) further includes duration information indicating a duration for displaying the still image (Col. 16, lines 56+).

**Regarding Claim 9**, Maruyama et al. teaches the computer readable medium of claim 4, wherein the playitem field (Fig. 13 – VOB#n) having a cell (Fig. 27) provides NV\_PCK#n; see also Fig. 12) includes identifiers identifying a clip of data including the still image (Fig. 12 – each pack includes header identifying clip of data in Video Pack Header).

**Regarding Claim 12**, Maruyama et al. teaches the computer readable medium of claim 11, wherein the playlist file further includes mark information, and the mark information includes a mark pointing to the still picture (Fig. 33 – the PGC contains management information having a search pointer of a PGC correlating to a cell (Fig. 27) containing a VOB).

**Regarding Claim 15**, Maruyama et al. teaches a method of reproducing a data structure for managing reproduction of at least still images recorded on a recording medium, comprising:

- reproducing at least one playlist file stored in a playlist area from the recording medium (in at least Col. 2, Line 30 – Col. 3 Lines 15 – playback of program chains – Fig. 34; Fig. 16, video title set information having program chain information table; Col. 20, lines 20-44), the playlist file linking first and second stream files stored in a data area (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOB and audio pack of second VOB; Col. 9, lines 48-53) and including at least a playitem and a sub-playitem (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOB and audio pack of second VOB; Col. 9, lines 48-53), the first stream file including at least one still image and the second stream file including

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audio data (in at least Fig. 13 – initial VOBUs containing a first file navigation pack of first VOBUs and second VOBUs containing a second file navigation pack corresponding to respective VOBUs; Figs. 3, 8, 25 wherein the control information stores a program chain (PGC) linking first and second files of Video Object Units (VOBUs) each having separate image and audio data– Fig. 27), the playitem providing presentation information regarding the still image in the first stream file, the sub-playitem providing presentation information regarding audio data in the second stream file (Fig. 13 – initial VOBUs containing a first file navigation pack of first VOBUs and second VOBUs containing a second file navigation pack corresponding to respective VOBUs; Col. 15, lines 31+, further clarifying that in order for video and to be reproduced, it must playback audio since it is known that video consists of a multitude of associated audio packets played back at certain speeds),

- wherein the playitem includes an indicator indicating whether to display the still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38), and
- but fails to explicitly teach progress of the slideshow from one still image to another still image is controlled by user input and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period.

Ando et al. teaches progress of the slideshow from one still image to another still image is controlled by user input (Figs. 6A, 6B – user input for slideshow) and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period (Figs. 6A, 6B – user input for slideshow; Figs. 15 and

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16 – S5 to S11, independent playback; Paragraph [0147] – pause of audio leaves image for infinite period until user decides to resume playback).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time indicator to allow user to see progress of data while accessing various track positions to skip or go back, further allowing just a picture to be shown or audio to be reproduced when user does not desire both for concentrated playback.

**Regarding Claim 16**, Maruyama et al. teaches an apparatus for reproducing a data structure for managing reproduction of at least still images recorded on a recording medium, comprising:

- a pick up configured to reproduce data recorded on the recording medium (Fig. 19, 32);
- a controller configured to control the pick up (Fig. 19, 36) to reproduce at least one playlist file stored in a playlist area (in at least Fig. 16, video title set information having program chain information table; Col. 20, lines 20-44) from the recording medium (in at least Col. 2, Lines 30-35 – playback of program chains – Fig. 34), the playlist file linking first and second stream files stored in a data area (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOB and audio pack of second VOB; Col. 9, lines 48-53) and including at least a playitem and a sub-playitem (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOB and audio pack of second VOB; Col. 9, lines 48-53), the first stream file including at least one still image and the second stream file including audio data (in at least Fig. 13 – initial VOB containing a first file navigation pack of first VOB and second VOB containing a second file navigation pack corresponding to respective VOB; Figs. 3, 8, 25 wherein the control information stores a program chain (PGC)



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linking first and second files of Video Object Units (VOBUs) each having separate image and audio data— Fig. 27), the playitem providing presentation information regarding the still image in the first stream file, the sub-playitem providing presentation information regarding audio data in the second stream file (Fig. 13 – VOBU (#n) containing a first file and VOBU (#n+1) containing a second file in the PACKS section; Col. 15, lines 31+, further clarifying that in order for video to be reproduced, it must playback still images since it is known that video consists of a multitude of still images played back at certain speeds),

- wherein the playitem includes an indicator indicating whether to display the still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38), and
- but fails to explicitly teach progress of the slideshow from one still image to another still image is controlled by user input and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period.

Ando et al. teaches progress of the slideshow from one still image to another still image is controlled by user input (Figs. 6A, 6B – user input for slideshow) and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period (Figs. 6A, 6B – user input for slideshow; Figs. 15 and 16 – S5 to S11, independent playback; Paragraph [0147] – pause of audio leaves image for infinite period until user decides to resume playback).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time indicator to allow user to see progress of data while accessing various

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track positions to skip or go back, further allowing just a picture to be shown or audio to be reproduced when user does not desire both for concentrated playback.

**Regarding Claim 17**, Maruyama et al. teaches a method of recording a data structure for managing reproduction of at least still images recorded on a recording medium, comprising:

- recording a first stream file including at least one still image and a second stream file including audio data in a data area (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOBUs and audio pack of second VOBUs; Col. 9, lines 48-53) on the recording medium (Col. 26, lines 21+; Fig. 25 - recording of video and audio data in data area); and
- recording at least one playlist file in the playlist area (in at least Fig. 16, video title set information having program chain information table; Col. 20, lines 20-44) on the recording medium (in at least Col. 2, Line 30 – Col. 3 Lines 15 – recording of program chains – in at least Figs. 18, 34) linking the first and second stream files (in at least Figs. 3, 8, 25 wherein the control information stores a program chain (PGC) linking first and second files of Video Object Units (VOBUs) each having separate image and audio data– Fig. 27) and including at least one playitem and a sub-playitem (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOBUs and audio pack of second VOBUs; Col. 9, lines 48-53), the playitem providing presentation information regarding the still image in the first stream file, the sub-playitem providing presentation information regarding audio data in the second stream file (Fig. 13 – initial VOBUs containing a first file navigation pack of first VOBUs and second VOBUs containing a second file navigation pack corresponding to respective VOBUs; Col. 15, lines 31+, further clarifying that in order for video and to be reproduced, it must playback audio

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since it is known that video consists of a multitude of associated audio packets played back at certain speeds),,

- wherein the playitem includes an indicator indicating whether to display the still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38), and
- but fails to explicitly teach progress of the slideshow from one still image to another still image is controlled by user input and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period.

Ando et al. teaches progress of the slideshow from one still image to another still image is controlled by user input (Figs. 6A, 6B – user input for slideshow) and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period (Figs. 6A, 6B – user input for slideshow; Figs. 15 and 16 – S5 to S11, independent playback; Paragraph [0147] – pause of audio leaves image for infinite period until user decides to resume playback).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time indicator to allow user to see progress of data while accessing various track positions to skip or go back, further allowing just a picture to be shown or audio to be reproduced when user does not desire both for concentrated playback.

**Regarding Claim 18,** Maruyama et al. teaches an apparatus for recording a data structure for managing reproduction of at least still images on a recording medium, comprising:

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- a pick up configured to record data on the recording medium (Fig. 19, 32 – disc drive); and
- and a controller (Fig. 19, 36 – data processor) configured to control the pick up to record a first stream file including at least one still image and a second stream file including audio data in a data area (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOBUs and audio pack of second VOBUs; Col. 9, lines 48-53) on the recording medium (Col. 26, lines 21+; Fig. 25 - recording of video and audio data in data area), and to control the pick up to record at least one playlist file in a playlist area (in at least Fig. 16, video title set information having program chain information table; Col. 20, lines 20-44) on the recording medium (in at least Col. 2, Line 30 – Col. 3 Lines 15 – recording of program chains – in at least Figs. 18, 34), the playlist file linking the first and second stream files (in at least Figs. 3, 8, 25 wherein the control information stores a program chain (PGC) linking first and second files of Video Object Units (VOBUs) each having separate image and audio data– Fig. 27) and including at least a playitem and a sub-play-item (Figs. 11, 16 – video object set for video title set, VTSTT\_VOBS having video pack of initial VOBUs and audio pack of second VOBUs; Col. 9, lines 48-53), the playitem providing presentation information regarding the still image in the first stream file, the sub-playitem providing presentation information regarding audio data in the second stream file (Fig. 13 – initial VOBUs containing a first file navigation pack of first VOBUs and second VOBUs containing a second file navigation pack corresponding to respective VOBUs; Col. 15, lines 31+, further clarifying that in order for video and to be reproduced, it must playback audio since it is known that video consists of a multitude of associated audio packets played back at certain speeds),,

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- wherein the playitem includes an indicator indicating whether to display the still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38), and
- but fails to explicitly teach progress of the slideshow from one still image to another still image is controlled by user input and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period.

Ando et al. teaches progress of the slideshow from one still image to another still image is controlled by user input (Figs. 6A, 6B – user input for slideshow) and presentation of the audio data occurs independently of presentation of the still image, if the indicator indicates to display the still image for an infinite period (Figs. 6A, 6B – user input for slideshow; Figs. 15 and 16 – S5 to S11, independent playback; Paragraph [0147] – pause of audio leaves image for infinite period until user decides to resume playback).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time indicator to allow user to see progress of data while accessing various track positions to skip or go back, further allowing just a picture to be shown or audio to be reproduced when user does not desire both for concentrated playback.

**Regarding Claim 19**, Maruyama et al. teaches the computer readable medium of claim 1, wherein the first stream file is separate from the second stream file (in at least Figs. 11, 16 - video object set for video title set, VTSTT\_VOBS having video pack of initial VOB and audio pack of second VOB clearly in different VOB; Col. 9, lines 48-53).

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**Claims 22, 29, 36 and 43** are rejected under the same grounds as claim 19.

**Claims 25, 32, 39 and 46** are rejected under the same grounds as claim 6.

**Claims 28, 35, 42 and 49** are rejected under the same grounds as claim 9.

6. Claims 20, 23, 30, 37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. (US 6,385,389 B1).

**Regarding Claim 20**, Maruyama et al. teaches the computer readable medium of claim 1, wherein playitem does provide presentation information regarding the audio data (Fig. 13 – initial VOB containing a first file navigation pack of first VOB and second VOB containing a second file navigation pack corresponding to respective VOB) as initially disclosed in claim 1, but does not teach that it does not provide presentation information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to not provide such information, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before (*In re Karlson*, 136 USPQ 184) and a mere reversal of the essential working parts of a device (*In re Einstein*, 8 USPQ 167) involves only routine skill in art.

**Claims 23, 30, 37 and 44** are rejected under the same grounds as claim 20.

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***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621  
/Michael Choi/  
Examiner, Art Unit 2621